

LEGISLATIVE COMMITTEE MINUTES

HB472

Bill as Introduced

HB 472 - AS INTRODUCED

2015 SESSION

15-0419
04/05

HOUSE BILL

472

AN ACT

relative to the parole board and parole board procedures.

SPONSORS:

Rep. Sytek, Rock 8; Rep. Cushing, Rock 21; Sen. Soucy, Dist 18

COMMITTEE:

~~Executive Departments and Administration~~

Criminal Justice.

ANALYSIS

This bill increases the membership on the adult parole board from 7 to 9. The bill also makes changes to the posting requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.

Explanation:

Matter added to current law appears in ***bold italics.***

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to the parole board and parole board procedures.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

2 I. There shall be an adult parole board with [7] 9 members. The members of the board shall
3 be appointed by the governor with the consent of the council for staggered terms of 5 years or until
4 their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on
5 the board shall be filled for the unexpired term. The governor shall designate one member as
6 chairman, and the chairman shall designate one other member to serve as chairman in his absence.
7 In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board
8 members shall be paid \$100 a day plus mileage at the state employee rate while engaged in parole
9 hearings or administrative meetings.

10 2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11, I to read as follows:

11 I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board
12 shall ~~[twice publish, in a newspaper of general circulation within the county where the offense~~
13 ~~occurred, a notice stating the intention of the person to seek parole and shall post notice stating the~~
14 ~~intent of the person to seek parole in the adult parole board section of the department of corrections'~~
15 ~~Internet site. Said notices shall include the name and birth date of the applicant and the date, time,~~
16 ~~and location of the parole hearing]~~ *post notice on the department of corrections Internet site*
17 *stating the name and birthdate of the person seeking parole and the date, time, and*
18 *location of the parole hearing.*

19 3 Parole of Prisoners; Reduction of Maximum Sentence While on Parole. Amend RSA 651-A:12
20 to read as follows:

21 651-A:12 Reduction of Maximum Sentence While on Parole. Any person who is on parole
22 from the state prison on a permit under the provisions of this chapter may be granted a reduction of
23 maximum term of his *or her* sentence equal to 1/3 of the period of time during which the parolee is
24 at liberty on said permit, provided that ~~[said parolee is not recommitted to the state prison or has not~~
25 ~~been cited as a parole violator, pursuant to the provisions of this chapter]~~ *in making such a*
26 *decision, the parole board shall consider the conduct of the parolee while under*
27 *supervision, the seriousness of the offense, the amount of restitution owed, and the wishes*
28 *of the victim, if any.* The parolee may be granted a discharge at the expiration of his *or her*
29 maximum sentence less deductions provided for in this chapter.

30 4 Repeal. RSA 651-A:14, relative to early discharge for good conduct, is repealed.

31 5 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 472

BILL TITLE: relative to the parole board and parole board procedures.

DATE: February 17, 2015

LOB ROOM: 204

Time Public Hearing Called to Order:

10:02

Time Adjourned:

10:45

(please circle if present)

Committee Members: :Reps. Tholl, Welch, Fields, Fesh, Marston, Burt, S. Sweeney, Barnes, Comeau, Fisher, Martin, Pantelakos, Berube, Robertson, Cushing, Hirsch, O'Hearne, Mangipudi and DiSesa.

Bill Sponsors: Rep. Sytek, Rock 8; Rep. Cushing, Rock 21; Sen. Soucy, Dist 18

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. John Sytek, Sponsor – supports

***Donna Sytek** – former speaker of the house – supports. Chair of parole board, need some modification of parole board. 7 members now. 2600 m- 2700 more parole hearings 12 – 15 hours. Everyone gets notified = sending out cost is around \$10,000. Save \$10,000 by using internet. Reduction of maximum sentence, discharge for good conduct. Suggests putting last two sections together 2/3 of sentence how serious money owed, how victim feels about this. Also repeal 651-A: 14 and add to 651-A: 12

Rep. Mangipudi – how many are waiting for parole?

D. Sytek – no supervision but they could check in every 6 months.

Rep. Mangipudi – what is the cost of early parole

D. Sytek – what benefits the parolee, not so much for the community. Benefit to parolee for job.

Not a huge money problem. This bill spells out process.

Rep. Hirsch – people not on internet, can they get info?

D. Sytek – anyone can call or go to library to get list.

Rep. Hirsch – A:14 doesn't tie to more time.

D. Sytek – if parolee meets the criteria it would be demonstrated. Some judges 1 – 7 = person could be on parole for good behavior. Could serve only 1 year and be on parole for 6 years.

Rep. Robertson – could newspapers publish

D. Sytek – yes, Union Leader does.

Rep. Mangipudi – could this make this harder by 2/3 time.

D. Sytek – we could override the judge

Rep. Martin – is this only interested parties.

D. Sytek – mostly however others can be notified. We have this currently on internet

Rep. Hirsch – could the victim be heard not to live or be near someone.

D. Sytek – sometimes, however not every case would be that way.

Rep. Tholl – is this in fact early release used often.

D. Sytek – if parole officers need person on lists, they do discuss because of modification of judges sentence.

Rep. Berube – this creates a better method for hearing.

D. Sytek – yes

Rep. Martin – do all members make decision.

D. Sytek – yes

Rep. Comeau – is there a fiscal note

D. Sytek – not sure.

Chris Nornin, citizens for criminal justice – supports

D. Sytek – doing a great job, wouldn't want anyone else doing this job. We have process not, court jury and judge decisions. The process works now, best we can do. After deliberation this can be changed by state process. What is the risk to public, parolee could be paroled, how you protect the victim. Only the greatest parolee can be let out. Parole board is political. They have cleaned up past. Restitution should be a tort. Not paying, serving 2/3 is counter productive. Study this bill. Maybe ½ is better, intent is good.

Rep. Martin – this bill is good, what do you do with plea bargain. Do they serve less time?

C. Dornin – haven't thought about this. If model prisoner maybe. With little risk.

Rep. Cushing – I have time with Committee to discuss, will not take long. This is a good bill. Also take victims into account as part of thought process.

Respectfully submitted,


Rep. Dennis Fields, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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TESTIMONY

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Page 1
Card 1

Sponsor = John Sytek = constituent. Here to speak

Card 2

Donna Sytek = former speaker. Support HB 472
Chair of Parole Board. Need some modification of Parole Board: 7 members now.

2600-2700 more parole hearings 12 to 15 hrs.

Written testimony:

Everyone gets notified = sending out cost is needed \$10,000. Save \$10,000 by using internet.
She former speaker talk on written testimony.

651-D11 651-D12 reduction of maximum sentence.

651-D-14 discharge for good conduct.

suggest put last two sections together
2/3 of sentence how serious, merged, how victim feels about this

also

repeal 651-D-14 = DDPT 651-D-12

over ->

Page 2

Q Rep. Mancipudi = How many are waiting for parole.

A Sytek = no supervision when out they check in every 6 months

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Benefit to parolee for job.

Not a huge money problem this bill spells out process.

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A. D. Sytek = if parolee meets the criteria would be demonstrated.

Some judges 1-7 = person could be on parole for good behavior. could serve only 1 yr be on parole for 6 yrs.

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Q Rep. Mancipudi = could this make this harder by 2/3 time.

A. D. Sytek = we could override the judge

Q Rep. Martin = is this only interested parties.

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We have this currently on internet.

Q Rep. Hirsch = could the victim be heard not to live or be heard someone.

A. D. Sytek = sometimes. However not every case would be that way.

Q Rep. Tholl = is this in fact early release used often.

A. D. Sytek = if parole officer needs person on list they do discuss because of modification of parole sentences

Q Rep. Berube = this create a better method for hearing.

A. D. Sytek = yes

Q Rep. Marston = does all members make decision.

A. D. Sytek = only 3 make final decisions.

Q Rep. Corbett = does right to know how are meetings public notice.

A. D. Sytek = yes

Q Rep. Sytek = chairman = is there a fiscal note, we still not guarantee

Page 3

CRIMINAL JUSTICE - SAFETY COMMITTEE.

CARD 3

CHRIS BARNING CITIZENS FOR CRIMINAL JUSTICE

Speaker says they don't want DUB would not want anyone else doing this job.

We have process now, court jury and judge decisions

The process works now best we can do.

offer parole early - this can be offered by state processes what is the risk to public, parolee could be paroled, how do you protect the victims.

only by person the greatest parolee to get out.

Parole board is political, they have cleaned up.

Agst. Restitution, should be a part, not pay fines

servicing 2/3 is court productive, study this bill.

maybe 1/2 is better intent is good.

Q How many this all could what do you do with

pled bargain do they serve less time.

A Barning - haven't thought about this

if much prisoner maybe with little risk.

CARD 4

Rep - Cushman - I have time with committee

to discuss will not talk. This is a good bill

also take victims as part of thought process.

Testimony

HB 472 Making changes to parole and parole board procedures
February 17, 2015

Handout to accompany remarks of
Donna Sytek, Chairman of the Adult Parole Board

1. Increase size of Parole Board

When the 7-member parole board was established there were fewer than 600 inmates at the NH State Prison. Now there are almost 2600 with a concomitant increase in the number of hearings required. Parole hearings typically require 12-15 hours of preparation so it is a challenge to find 3-member panels twice a week, given the members' work schedules and other obligations. Increasing the size of the board to 9 members will spread out the workload without incurring additional cost since hearings will still be conducted by three members.

2. Repeal requirement for newspaper notice of parole hearings

As more and more people get their news and information on line, it seems prudent to eliminate the practice of posting notice of upcoming parole hearings in the Union Leader at a cost of about \$10,000 per year. Instead, notice would be posted on the DOC website. The victim, the police, and the county attorney will continue to receive notice by mail.

Current law:

651-A:11 Notice of Hearings. –

I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall twice publish, in a newspaper of general circulation within the county where the offense occurred, a notice stating the intention of the person to seek parole and shall post notice stating the intent of the person to seek parole in the adult parole board section of the department of corrections' Internet site. Said notices shall include the name and birth date of the applicant and the date, time, and location of the parole hearing.

II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall send by first class mail to each chief of police and county attorney of the place where the offense occurred, where the person resided prior to conviction, or where the person intends to reside after release, a copy of the information described in paragraph I.

II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall provide a copy of the information described in paragraph I to the department of corrections which shall send a copy of such information by first class mail to the victim of the person seeking parole, or to the next of kin of such victim if the victim has died, if request for such notice has been filed with the department of corrections. The victim or next of kin so requesting shall keep the department of corrections apprised of his or her current mailing address.

III. The adult parole board shall conduct no parole hearing without first having met the notice requirements of this section.

Proposed change:

Amend RSA 651-A:11, I to read as follows:

1. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall post notice on the department of corrections Internet site stating the name and birthdate of the person seeking parole and the date, time, and location of the parole hearing.

3. Early termination of parole

Currently there are two ways to get off parole supervision before the maximum sentence is complete. One requires that the parolee have served 2/3 of his time on parole and have no parole violations. The other asks only for good conduct and no parole violations. We would like to combine the two paragraphs and specify the criteria that the parole board applies to these requests.

Current law:

651-A:12 Reduction of Maximum Sentence While on Parole. – Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his sentence equal to 1/3 of the period of time during which the parolee is at liberty on said permit, provided that said parolee is not recommitted to the state prison or has not been cited as a parole violator, pursuant to the provisions of this chapter. The parolee may be granted a discharge at the expiration of his maximum sentence less deductions provided for in this chapter.

651-A:14 Early Discharge for Good Conduct. – Whenever the board finds that the parolee is no longer in need of supervision because of his or her good conduct it may issue him or her a certificate of discharge, provided that said parolee is not recommitted to the state prison or has not been cited as a parole violator, pursuant to the provisions of this chapter.

Proposed changes:

Amend RSA 651-A:12 to read as follows:

651-A:12 Reduction of Maximum Sentence While on Parole. -- Any person who is on parole on a permit under the provisions of this chapter may be granted a reduction of the maximum term of his sentence equal to 1/3 of the period of time during which the parolee is at liberty on said permit, ***provided that the parole board shall consider the conduct of the parolee while under supervision, the seriousness of the offense, the amount of restitution owed, and the wishes of the victim, if any.*** The parolee may be granted a discharge at the expiration of his maximum sentence less deductions provided for in this chapter.

Repeal RSA 651-A:14, relative to early discharge for good conduct

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 472

BILL TITLE: relative to the parole board and parole board procedures.

DATE: March 2, 2015

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Welch

Seconded by Rep. Cushing

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

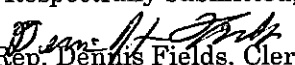
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dennis Fields, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 472

BILL TITLE: relative to the parole board and parole board procedures.

DATE: 3/2/15

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. WALCH

Seconded by Rep. CASPIER

Vote: (Please attach record of roll call vote.) yeas 16 nays 0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: yes

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Dennis R. Fields
Rep. Dennis Fields, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/8/2015 1:43:23 PM
Roll Call Committee Registers
Report

2015 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: 472 Title: _____

PH Date: 2/18/15 Exec Session Date: 3/2/15

Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Tholl, John E., Chairman	/	
Welch, David A., V Chairman	/	
Fields, Dennis H., Clerk	/	
Fesh, Robert M.	/	
Marston, Dick	/	
Burt, John A.	/	
Sweeney, Shawn P.	ABSENT	
Barnes, Arthur E.	/	
Comeau, Ed	/	
Fisher, Robert Z.	/	
Martin, John F.	/	
Pantelakos, Laura C.	/	
Berube, Roger R.	ABSENT	
Robertson, Timothy N.	/	
Cushing, Robert R.	/	
Hirsch, Geoffrey D.	ABSENT	
O'Hearne, Andrew S.	/	
Mangipudi, Latha D.	/	
DiSesa, Len	/	
TOTAL VOTE:	YEAS 16	NAYS 0

Committee Report

CONSENT CALENDAR

March 5, 2015

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB472,

AN ACT relative to the parole board and parole board procedures. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. David A. Welch
FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB472
Title:	relative to the parole board and parole board procedures.
Date:	March 5, 2015
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill changes the composition of the adult parole board from 7 members to 9 members and deletes the requirement of notice of hearings to be published in a newspaper of general circulation. The hearings notice will be posted on the department of corrections website stating the name and birthdate of the person seeking parole and the location of the hearing. Currently the victims are notified by mail or by telephone. The addition of 2 members increases the pool that members are drawn from to populate the board.

Vote 16-0.

Rep. David A. Welch
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB472, relative to the parole board and parole board procedures. **OUGHT TO PASS.**

Rep. David A. Welch for CRIMINAL JUSTICE AND PUBLIC SAFETY. This bill changes the composition of the adult parole board from 7 members to 9 members and deletes the requirement of notice of hearings to be published in a newspaper of general circulation. The hearings notice will be posted on the department of corrections website stating the name and birthdate of the person seeking parole and the location of the hearing. Currently the victims are notified by mail or by telephone. The addition of 2 members increases the pool that members are drawn from to populate the board. **Vote 16-0.**

Blurb HB 472
2015 Session
OTP CC 16-0

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David Welch

COMMITTEE REPORT

COMMITTEE: Criminal Justice & Public Safety

BILL NUMBER: HB 472

TITLE: Relative to the Parole Board and Parole Board Procedures

DATE: March 2, 15 CONSENT CALENDAR: YES NO


- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

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COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED, 

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. David A. Welch
For the Committee